

Town of Newport
Regular Meeting of the Mayor and Commissioners
November 18, 2021

Pledge

Mayor Walker called the meeting to order at 7:00 pm and announced that the meeting was in compliance with the Delaware Open Meeting Act.

Attendance: Mayor Franklin Walker, Commissioner Michael Capriglione, Commissioner Michele MacDonald, Commissioner Joseph Stagliano, Police Chief Mark Wohner, Town Manager Wendy King, Solicitor N. Christopher Griffiths.

Appointment of New Commissioner. There are three people interested in the seat: Kathleen Joseph, Justis Street, John Joswick, Ayre Street, and Gary Martinez, Market Street. Mayor Walker has the ability to make an appointment, but in making it more inclusive with the commissioners, he would like the interested parties to advise council why they believe they should be appointed. Kathy Joseph was a former commissioner, lived in town since 1967 and is interested in seeing the town grow. She liked some things about being on council and there were things she did not like and at times felt intimidated to speak her mind. She has grown over those years. She walks the town almost every day and night so she sees different views of the town and wants to assist in finding ways to make the town more walkable and livable. Things she sees and hears, like dirtbikes riding down Justis Street and mail carriers delivering mail at night, she believes she can help improve the safety of the town. She always said she would assist if given the opportunity and is willing to step up again. Mayor Walker thanked her for her presence at the meetings and for her past service and interest in serving. John Joswick said he was a former commissioner for eight years, was involved with the bridge project and with Richey School with Chief Wohner. He cares about the town and knows that a lot needs to be done and that is why he would like to come back. He has been a part of the town for almost 20 years and cares about the people of the town. Mayor Walker thanked him for his interest and past service. Gary Martinez has lived in the town for a little over two years. He formerly lived near Dickinson High School for 20 years and formerly ran the Nextel store in Newport Plaza. He currently works for a non-profit as a governmental mediator. When he located here, he read up on the history of the town. He is seeing a lot of positive things happening in the town, such as the future development of the town and thinks with his experience with the public, it would be a good opportunity to share that with the town and make it move forward. Mayor Walker thanked him. He then asked the commissioners if anyone would like to put forth a nomination. Commissioner Capriglione said that he thought each person brought a lot to the table. Commissioner Stagliano nominated Mr. Martinez. Commissioner Capriglione seconded the motion. There were no other nominations. Mayor Walker reiterated that he could have put forth the appointment, but wanted the commissioners' perspective to see who they would want to work with. Commissioner MacDonald commented that she appreciated the fact that Mr. Martinez has a business background, has worked with non-profits and brings a different perspective to the board. Mayor Walker thanked all three interested parties and commented that it was nice to see such interest after years of having no election. Mayor Walker advised that this appointment would be until April and that there will be two open seats for two-year terms each. Mr. Martinez wanted to know how far in advance of the

election do people have to register to vote. Town Manager King advised that it would be 30 days prior to the election, which is the first Monday in April and that all information regarding an upcoming election will be posted in January. Mr. Martinez took his Oath of Office.

The office of Vice Mayor needs to be filled due to former Vice Mayor Gretz's departure. Commissioner Capriglione nominated Commissioner MacDonald. Commissioner Stagliano seconded. All ayes. Commissioner MacDonald took her Oath of Office.

Minutes from the meeting of October 21, 2021, were approved via motion from Mayor Walker and seconded by Commissioner Stagliano. All ayes.

There was discussion regarding the posting of the agenda and how there needs to be two additional places where the agenda can be found. Peniel Methodist Church and M&T Bank have public bulletin boards. 7-11 was suggested around the gas pumps – a constructed enclosure.

Town Manager's Report – 2020 audit will be reviewed at January's meeting. Code of Ethics for town employees and elected officials was included in the packet. DE Kids Fund Operation Warm Campout will be held on Friday, November 19, and if you attend, there is a suggested \$10 donation. FY2022 and ARPA projects will be presented. No salary adjustments were recommended with the exception of the court clerk as her current salary is below standard for her experience and workload. If council was inclined to offer a salary adjustment, it would cost \$20,500. Noted that Chief Wohner has not had a salary increase since becoming Chief. His increase went toward funding an hourly investigatory position that is utilized as needed. Thanksgiving office closure. Questions and clarifications were submitted to Solicitor Griffiths for the independent council to review. A donation of \$450 was made to the 80th Anniversary Pearl Harbor Day celebration. Mayor Walker explained the additional funding was to pay for a special wreath and it would be nice if everyone could show up. A donation of \$500 was made to Operation Warm and \$100 was donated to Richey School for the annual walkathon fundraiser. The Operation Warm coat donation will occur on December 9 at Richardson Park School. There will be a parade starting in Banning Park since the school can have no visitors due to Covid. Mayor Walker read the Code of Ethics and wanted to know why it was distributed. Town Manager King advised that it is a fairly new council and there are things they may not be aware of, such as keeping executive session matters to themselves and what the duties and expectations are in such a position. Also, the employees knowing what their responsibilities are is important. Mayor Walker agreed and believed it should be updated. He noted that he and the town manager discussed in March that the employees who do not live in town or vote in town should not be discussing the election on town time was not proper. An update would not require a visit to the General Assembly, but an amendment to the ordinance would be proper. The Public Integrity Commission should approve it to be sure it was as stringent as state code. Mayor Walker advised the commission to read the charter for understanding and review to see if they believe changes can or should be made. He would like to hear from everyone.

Police Chief's Report – October, 2021, department statistics. The state accreditation should have occurred and was put off until November 29. New car is on order and will be in patrol hopefully by the end of the year. Commissioner Capriglione thanked Chief Wohner for speaking to Richey School about the parking issue in front of his home. Mayor Walker asked if he had the opportunity to speak to the

school about the white painted crosswalks and whose responsibility it is for its upkeep. He did not, but he will. Mayor Walker asked the officers in the audience if they have anything they would like to say. They did not have anything to report.

Alderman's Report - \$36,899

Maintenance Report – Mayor Walker read through the report and is happy with the maintenance department and what they are doing. They are following the trash truck around to pick up what the truck loses. The storm drains are being kept clean and has not heard of any water complaints for quite a while. If there are any projects council believes that maintenance can handle, advise the town manager. Cassidy Painting will be around in the next few weeks to start work on the Old Town Hall. Mayor Walker would love to see donations from around town for flower beds for nice curb appeal, upgrade on the park benches which is an investment in the town. Vice Mayor MacDonald commented on the streetscape trees and if they are not going to be replaced, they should be filled in. Mayor Walker thought that in part, the trees died because the property owners were not asked to assist in helping water the trees in addition to the maintenance department. Tree City USA gives grants for trees. Kathy Joseph offered to go around and give a count of tree spaces. Commissioner Stagliano suggested that the businesses could sponsor the tree or flowers similar to “adopt a highway.” A professional should be hired to plant trees to ensure that roots will not damage sidewalks or utilities. Ms. Joseph asked about a phase two of the Streetscape and it was explained that the town could not do it because ADA compliance added a significant amount to the project. Mayor Walker said that something has to be done with tree at Christian and Walnut as it is busting the curb out and the handicapped ramp cannot be utilized. The property owner cannot afford to do anything with it. Vice Mayor MacDonald noted that the ADA ramps are constructed different on different sidewalks. Mayor Walker thought that intersection at Christian and Walnut may be a candidate for a swale. He said that we did receive the swale bids for Ayre Street and Stonehurst. He commented on an item on the maintenance report and was happy to see public service being done as a lady was assisted when she locked her keys in her car. Code enforcement was included in the maintenance report and noted that the car on W. Highland Avenue was removed after 5 years of being asked.

Solicitor's Report – FOIA request for the police department, had discussions with the mayor, town manager and police chief about various items. An employment issue is winding down, worked on ongoing litigation, engaged independent counsel to review the charter and collected questions for the mayor and town manager. Vice Mayor MacDonald asked the independent counsel would just be taking questions or suggestions for change. It will be clarification of roles, defining terms such as “policy”, roles of the department heads. Anything can be presented if wanted and send email to him, but Solicitor is just delivering information and basically staying out of the process. Changes can be made after the independent counsel is finished with the presentation. Vice Mayor MacDonald has pulled charters from different towns and likes to see what others are doing for comparison. Commissioner Capriglione asked if the solicitor had time to follow up on researching whether the CIBA grant funds could go into the general fund. Solicitor Griffiths said he would have something next month. Mayor Walker advised that the asked Chris to keep the independent counsel anonymous.

Commissioners – Vice Mayor MacDonald asked if there was resolution to the Masonic Hall asking for tax exemption. They ended up paying their taxes. Mayor Walker said that they were making money it did not make sense to allow an exemption. Commissioner Stagliano was thankful for the dog signs and suggested placement of “no trespassing” signs at the police department. Chief Wohner described the circumstances in which people cut through the parking area and behind the building. It was asked if the area should be fenced off and it has been discussed. Should signs go up until a fence goes up? Upgraded lighting was discussed as well. The lighting at the boatramp was discussed and Mayor Walker thinks that lightning rods should be considered as well as solar lights with motion detection. Commissioner Stagliano asked who takes care of the floating docks. The town used to remove the floating docks with the assistance of Active Crane, but DNREC took that over a few years back.

Public Comment - Kathy Joseph, Justis Street, congratulated Mr. Martinez on his appointment. She mentioned that she does a lot of walking around the town and has been at the James Street Bridge site and was fascinated by the work being done and how it's being done. She has spoken to the engineers and there has been no contamination found during the digging process. They have not found anything of value historically for the town. They are being careful with the sewer main. Mayor Walker spoke to Bob Harvey about the high water under the railroad bridge and it is tidal. It was nice to see on the police Facebook page warning of high water. Ms. Joseph said that she has been taking pictures. Mayor Walker said it would be beneficial to put together an album of pictures of Newport as it grew.

Budget proposal for FY 2022. Current budget is \$1,521,250, not including grants, and pass-through expenditures. The proposed budget is \$1,571,250, which is a difference of \$50,000 coming from ARPA replacement revenue. There was a little over \$50,000 in lost revenue in 2020. Loss is overall – permits, courts, business licenses. Auditing expenses, Landfill Fees, FICA, Liability insurance, Worker's Comp insurance, Payroll, Town Pension Contribution, Technology/Data Processing were all increased due to current expenditures. Court Clerk salary increase as explained in the town manager's report, Alderman salary, Court Supplies were increased. Maintenance overtime was the only item in the maintenance budget that was increased. Police Overtime Regular, Uniform New, Vehicle Maintenance were increased. Town Commissioners budget shows increase in Donations, Holiday Gifts and Travel all increased, but the overall budget was lower. Administration budget did not change. Mayor Walker explained that the town manager does have the right to move funds as needed. Vice Mayor MacDonald asked if the Code Enforcement line item is separate as our maintenance department does code enforcement. That line item is for the building inspector's pay. Commissioner Capriglione asked Chief Wohner if the fines, costs and security fees was reasonable and if he was comfortable as in the past when he was chief, it was difficult knowing what the expectation was. Chief Wohner said that It is hard to base it over the last two years and that this current month of collections is more representative and he is comfortable. Commissioner Capriglione also voiced concern over the Legal Expenses and what was paid this year is \$58,000 overbudget and how can it be kept the same since there is litigation. Town Manager King responded that she does not know what the expenses will be to defend the town's position and cannot honestly say. Solicitor Griffiths said that he would try to get with the town manager for a figure, but reminded council that the town is defending it's position and that there is now a trial date but has no idea what he may have to respond to, what the other party may file, and if we do not defend ourselves, the person wins. Vice Mayor MacDonald asked if there was any idea how much the independent council would cost. Solicitor Griffiths said that he will be giving up a month's salary to